

*Replaces
section 1.
of the bill
entirely*

Amendments to Senate Bill No. 433
1st Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 19, 2007 (2:53pm)

1. Title, line 5.

Following: "AMENDING"

Strike: "SECTIONS 46-18-201 AND"

Insert: "SECTION"

2. Page 1, line 10 through page 4, line 3.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Termination of remaining portion of deferred or suspended sentence -- petition. (1) When imposition of a sentence has been deferred or execution of a sentence has been suspended, the prosecutor or defendant may file a petition to terminate the time remaining on the sentence if:

(a) in the case of a deferred imposition of sentence, the defendant has served one-half of the sentence and has demonstrated compliance with supervision requirements; or

(b) in the case of a suspended sentence:

(i) the defendant has served two-thirds of the time suspended; and

(ii) the defendant has been granted a conditional discharge from supervision under 46-23-1011 and has demonstrated compliance with the conditional discharge for a minimum of 12 months.

(2) The court may hold a hearing on the petition on its own motion or upon request of the prosecutor or the defendant.

(3) The court may grant the petition if it finds that:

(a) termination of the remainder of the sentence is in the best interests of the defendant and society;

(b) termination of the remainder of the sentence will not present an unreasonable risk of danger to the victim of the offense; and

(c) the defendant has paid all restitution and court-ordered financial obligations in full."

3. Page 4, line 8.

Following: line 7

Strike: "vacation"

Insert: "termination"

Strike: "46-18-201(9)"

Insert: "[section 1]"

4. Page 4, line 16.

*change "vacation"
to "termination"
and changes
internal reference*

Following: line 15

Insert: "NEW SECTION. Section 3. {standard} Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 1]."

- END -